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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554  
**RECEIVED**

**MAY 11 3 1998**

In the Matter of, **MAIL ROOM**

Petition of the  
Community Broadcasters Association  
for Establishment of a "Class A"  
Television Service

)  
) RM-9260  
)  
)

To: The Commission - Mail Stop 1170

COMMENTS OF ARTHUR D. STAMLER, MANAGING MEMBER  
RUARCH ASSOCIATES LIMITED LIABILITY COMPANY

These Comments are filed by Ruarch Associates, LLC,  
operator of low power television stations WAZT-LP, Woodstock,  
VA.; W24AZ, Harrisonburg, VA., W28AZ, Front Royal, VA., and  
W48AZ, Winchester, VA.

INTRODUCTORY COMMENTS

The Commission has before it a proposal which will  
provide the means for my stations to not only continue offering  
substantive localized service, but actually support our efforts  
to improve and expand local origination in this area.

We are staring into emerging technologies that require  
major capital expenditures, among which are non-linear editing,  
stereophonic transmissions, and an opportunity to be state of  
the art with high definition and digital circuitry. We very  
much want to be an early and eager participant. But any under-  
writer knows that an LPTV license is a tenuous thing. It is,

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in fact, a terrible investment for any who would look to the future for a guaranteed return. Only by virtue of our narrow-casting has it been possible to secure original and ongoing financial investments, and that by people who are dedicated to bring a Christian Witness to this area which has no similar station or facility.

We have provided a forum for local ministries, as well as an avenue for other local expressions. We have an ongoing editorial policy which allows us to comment and receive comments on activities of interest to the entire coverage area. We have a professional newsgathering and reporting department with full visual representations and actualities of the news events that take place in this area.

It has taken us four low power television stations and two translator stations to provide the coverage required. This is an isolated area, hemmed in by major mountain chains, with an unique set of mores and folkways that remain mostly uninfluenced by metropolitan communities just one hundred miles away.

This is precisely what the United States Congress had in mind when it mandated the establishment of the Low Power Television Service nearly seventeen years ago, and precisely what the Community Broadcasters Association has established as worthy to be maintained on a permanent rather than continuing in a secondary status.

I have heard for years the argument that I should have known LPTV was a secondary service when I went into this field. In point of fact, I did know, and in spite of that knowing, I built and operated several interconnected facilities with all of the ability and knowledge that forty-six years as a professional broadcaster could muster. But knowledge and ability and training did not prepare me for the advertiser apathy and full power tv station opposition that arrived with the advent of our first day of programming, and continues to this day.

We have had to prove ourself every minute of every 24-hour day that we broadcast. The passing of time has not endeared our stations to neighboring full power facilities which continue to advise potential advertisers that we are a "toy" and not to be considered in the overall scheme of futures planning. Our program logs are generally omitted from regional TV Guides, and only by viewer coercion have we been able to have listings in local and area newspapers. It has not been easy building and operating a secondary service, yet we have survived and provide a unique service to thousands of viewer homes in the Shenandoah Valley.

We have been honored for our presence. The National Religious Broadcasters named WAZT-LP the "TELEVISION STATION OF THE YEAR - 1998", the first time in the ten year history of that award that it has been given to a Low Power Television Station. The Community Broadcasters Association has commended WAZT-LP with

a national award for its news facility The Virginia Association of Broadcasters has awarded WAZT honors for its promotion work. And this year, We are finalists for Virginia awards for both editorials and community service campaigns.

Our lobby walls are covered with certificates and awards (SEE APPENDIX A ATTACHED) from virtually every civic scholastic, fraternal and eleemosynary organization in the area. This is not a boast or triumphal proclamation, but the voice of a station group that operates as if it had permanency, yet very much aware that any day could be its last.

Rule Making - 9260, the Petition to Establish "Class A" Television Service could make all that has been done, all that is being done, and all that hopefully will be done in the future bear realism and legitimacy. It is our one hope to end the step-child attitude much of the broadcast industry has toward us. It will not correct the inequities of the past, but it will surely form a base upon which we can erect the equality of the future.

WAZT has been using the childrens television guidelines in securing and presenting not only "FCC Friendly" programs, but also seeking out or creating substantive public service messages to undergird this station policy. We have even had newscast elements geared toward explaining complex items so children could also be aware of vital local happenings. So while there has been no requirement for LPTV to follow Children's Television mandates,

WAZT has had a policy to operate as if they applied to us.

Insofar as news is concerned, the WAZT group has placed a policy in effect that virtually eliminates all international and national news from our twice nightly newscast (5:30PM and 9:00PM) thirty minutes each. We believe that there are enough available stations and cable services that telecast national and international news without WAZT adding to the list. Our news is solely the events and activities that take place within the mountains surrounding the Valley of Virginia. We have a staff weather forecaster who presents a detailed report on the unique weather here in the valley, even though a Washington, D.C. tv weather forecast is available continually. Our weather is not the same, so we need to report it.

In effect, WAZT is operating as Class A now, and vital to the Shenandoah Valley for nearly fourteen years. Translators and nine local cable systems extend our outreach. While RM-9260 is a new petition, in effect it is asking the Commission to let it recognize and legitimize the LPTV stations that serve (or plan to serve) their viewers with unduplicated quality television.

There has been ongoing opposition from many if not virtually all of the lettered opposition (AMST, NAB, ALTS, NCTA, TVB, ETC) to the concept of any LPTV authorization receiving permanent status, the negativism is grounded in financial competition and

not in consideration of the unique and different roles played by LPTV stations. In point of fact, my station actually is very honored by the fact that a full power station would call us "the competition" and actively seek to put us down with advertisers and program suppliers.

#### SPECIFIC COMMENTS

We support the Petition for Rule Making (RM-9260) as amended, proposed by the Community Broadcasters Association.

As a member of the Charter Board of Directors of CBA, and as a member of predecessor organizations, I have always been an active proponent for the restructure of the LPTV enabling legislation to see professional, originating stations advance to a permanent status.


We support the re-application for Class A status using the FCC Form 301, and the adherence to Part 73 Rules as shown in the new 73.627 proposal (Appendix A as Revised March 1998). The suggestion that Class A LPTV stations be allowed an effective radiated power equal to ten percent of the maximum allowed for a full power station, however, may be overly ambitious. I would be amenable to the originally proposed power limitation of 10KW for my VHF Channel 10, and 150KW for my other LPTV and translator stations.

Similarly, I do not fully agree on the mandatory time

provision in construction requirements proposed in a new Section 73.62(g), allowing, rather, the flexibility of market demands to indicate when digital operation should commence.

Insofar as effective radiated power proposed for Class A LPTV stations operating digitally, I do agree that the power needed for adequate coverage should be the same as noted in 73.622 (e)(4), (5) and (6) of the FCC Rules, confirmed by study.

Respectfully submitted,  
Ruarch Associates L.L.C.

Signed: 

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May 12, 1998

## CERTIFICATE OF SERVICE

I, Mitzi W. Jones, do hereby certify that have, this 12th day of May, 1998, caused 9 copies of the foregoing "Comments of Arthur D. Stamler on RM-9260" to be sent via First Class U.S. Mail to the Office of the Secretary, FCC, for The Commission, and one copy each to the following:

Mr. Roy J. Stewart, Chief  
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Mr. Bruce Franca  
Office of Engineering and Technology  
FCC Room 416  
2000 M Street, NW  
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Mitzi W. Jones



## APPENDIX

The following organizations have issued certificates, awards, or citations to the WAZT-LP group for providing outstanding service to the Shenandoah Valley and for their specific outreach:

Toys For Tots                      Mt. Jackson Rescue Squad  
American Red Cross    Shawnee Council Girl Scouts of America  
Warren County Fair Assoc.      Veterans of Foreign Wars - Edinburg  
AARP - Woodstock      Virginia Cooperative Extension Service  
Virginia Department of Forestry      4H Clubs of Shenandoah County  
Frederick County Parks and Recreation      Youth Exchange Service  
Shenandoah Valley Optometric Society      Eastern Mennonite Univ.  
Social Security Office - Winchester      Fresh Air Fund  
Exchange Club of Strasburg      American Cancer Society "Relay"  
Rotary Club of Woodstock      Ladies of the Elks  
Shenandoah Council Boy Scouts      Friends of the North Fork  
USDA Ag Soil Conservation Svc.      Lord Fairfax Community College  
March of Dimes      Marine Corps League      EnergyShare  
Shenandoah County Public Schools      Friends of Fort Harrison  
American Red Cross Blood Drives      Christians For Israel  
United States Air Force Recruiting      National Guard Virginia  
Shenandoah County Ministerial Association      FFA Chapters  
and many others!